



ORU – Evidence Gathering Teams (EGT) Course Session Plan

Program Name: <i>Public Order Evidence Gathering Team (EGT) Course</i>	
Centre of Learning/Unit (Session Owner): <i>Operations Support Division</i>	Centre of Learning/Unit (Session Deliverer): <i>Operations Response Unit</i>
Session Name: <i>Human Rights and Policing</i>	
Session Duration: <i>50 mins</i>	Session ID: <i>Session Three</i>
Delivery Location: ☐ Academy ☒ Other (specify):	
Author Name: 33(1)	V or VP Number 33(1)
Aim: To provide learners with the knowledge and skills required to understand how the human rights charter applies to the evidence gathering role.	
Learning Outcomes: On successful completion of this session, learners should be able to: - Identify how the Human Rights Charter relates to Police, including the EG role - Police obligations and the Charter rights protected in Victoria - The difference between limitations and breaches - How to apply human rights decision-making to our work	
Resources/Equipment: - Classroom - Computer with mainframe access and MS PowerPoint - Overhead Projector and screen - Seating for all learners - Table or chairs with writing pad - One trainer - Learners in dress of the day - Writing Pad - Human Rights Charter PowerPoint	
Pre-session Preparation:	

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OHS Inspection of the training facility completed ☒ Yes ☐ No

Comments:

- Risk Assessment in place for the venue and checked
- Health and Safety Check of the working area – Suitable for session
- All trainers are first aid qualified
- Location of First Aid kits have been identified

For Official Use Only

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VICTORIA POLICE

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Session Name: Human Rights Charter			
Delivery Method	Content	Delivery Resources	Time
Face to Face	During Knowledge Checks and De-briefs consideration should be given to utilising open style of questioning (Who, Why, What, Where, When, How) and Experiential Learning Cycle (ELC) to facilitate learning. Learners should be encouraged to ask questions at relevant times throughout the session. Trainers to meet and greet learners in the classroom. Trainers to make visual check to ensure all officers have appropriate resources (Writing Pad / Pen). Introduction Trainer will introduce themselves and the session Maslow - Trainer will go through relevant points from risk assessment, emergency evacuation procedures, location of first aid kits, welfare etc. (if required) Gestalt - Route map of session outlining Aim and Objectives. Knowledge Check - to cover overall subject to ascertain learner's levels of Knowledge / Experience. Open style of questioning (Who, Why, What, Where, When, How).		5 mins
Group Discussion	Trainer is to present the Power Point titled " <i>Human Rights Charter</i> " to the learners.		40 mins

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	Trainer is conduct a knowledge check at the start of every slide and generate discussion by using open style questioning (5wh) to prompt involvement from learners. <u>SLIDE 1</u> Human Rights and Policing (Covering Slide) <u>SLIDE 2</u> Session Outline The Charter of Human Rights and Responsibilities Act 2006 (the Charter) is a Victorian law that sets out the basic rights, freedoms and responsibilities of all people in Victoria. It is about the relationship between government and the people it serves. The Charter requires public authorities, such as Victorian state and local government departments and agencies, and people delivering services on behalf of government, to act consistently with the human rights in the Charter. Twenty fundamental human rights are protected in the Charter because the Victorian Parliament recognises that, as human beings, we have basic rights, including the right to be treated equally, to be safe from violence and abuse, to be part of a family and to have our privacy respected. In certain circumstances, some rights may be limited. However, this must be		
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	necessary and reasonable and there must be clear reasons for the decision. Trainers will discuss with learners how the Human Rights Charter will affect the role of the Evidence Gatherer and Policing in general. <u>SLIDE 3</u> At the end of this session, you should understand: • Police obligations and the Charter rights protected in Victoria • The difference between limitations and breaches • How to apply human rights decision-making to our work <u>SLIDE 4</u> Activity 1. On a scale of 1-10, 10 being the highest, rate your knowledge of the Charter of Human Rights 2. What do you know about the Charter? Trainers will discuss any pre-existing knowledge of the learners and where they believe their knowledge is currently at. This will be an open discussion with participation strongly encouraged. Trainers will be expected to ask why the learners have rated why they have, this will identify learning opportunities.		
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SLIDE 5

The Charter

The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) is fundamentally about the relationship between the Victorian Government (state and local) and the Victorian public. It requires all public authorities in Victoria to think about human rights when they make decisions about people. In 2006, the Victorian Parliament introduced the Charter.

In passing the Charter as law, Parliament reaffirmed its commitment to promoting awareness and understanding of human rights in Victoria. A human rights culture ensures the rights of all people are protected and promoted through policy, legislation and service delivery.

The Charter protects 20 human rights in Victoria in three main ways:

1. Public authorities must act in ways that are compatible with human rights

Public authorities are organisations that provide a service of a public nature, like a public school, hospital or public housing. Public authorities, including Victorian State and local governments, must consider human rights when they develop policies and make decisions that affect the community. This means that the public can raise human rights issues with any government department or agency. These can be organisations like Victoria Police or VicRoads, a State Government department, such as the Department of Human Services or a local council.

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2. Human rights must be taken into account when developing new laws

When introducing new laws into Victoria's Parliament, A statement of compatibility that indicates how the proposed law meets the standards set out in the Charter must be tabled in Parliament. This helps Parliament consider the human rights impact of the laws it passes.

3. Courts must interpret and apply all laws compatibly with human rights

All Victorian laws must be interpreted in a way that upholds the human rights outlined in the Charter, as far as this is possible. Parliament has the final say in deciding what laws are in the best interests of the Victorian community.

SLIDE 6

20 Charter Rights

Discuss the 20 fundamental human rights, with an emphasis on s-13 Protection of privacy and reputation as this has the most pertinence to the EG role. Trainers should freely discuss the list with the learners and relate these to a Public Order environment.

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	<u>SLIDE 7</u> Mandatory requirements for Police S.38- Conduct • It is unlawful for public authorities to breach a human right or fail to give proper consideration to protected rights S.32 Interpretation • Laws must be interpreted compatibly with rights so far as possible and consistent with their purpose S.7 Limitations • If you must limit a right, it must be reasonable, necessary and justified <u>SLIDE 8</u> Myth busting – Limiting vs. Breaching human rights S.7 Limitations • If you must limit a right, it must be reasonable, necessary and justified A human right may only be limited if: • The limit is provided by law • It is for evidence based reasons		
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	• It is demonstrably justified • It is proportionate to the objective you seek to achieve <u>SLIDE 9</u> Limiting a person's rights under the Act • S7 – (2) A human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including— • (a) the nature of the right; and • (b) the importance of the purpose of the limitation; and • (c) the nature and extent of the limitation; and • (d) the relationship between the limitation and its purpose; and • (e) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve. <u>SLIDE 10</u> Police Role • Facilitate the community's right to exercise free speech, peaceful assembly		
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	protest or industrial action. • Provide a safe, orderly and secure society, so when the actions of those taking part in such activities either become unlawful or infringe upon the rights of others, police have an obligation to take action, using the minimum amount of force necessary. • Detect and prevent criminal offences and apprehend persons suspected of committing criminal offences. <u>SLIDE 11</u> The less restrictive principle We must always consider whether there is another way to achieve our objective. Don't use a sledgehammer to crack a nut <u>SLIDE 12</u> ANT In some circumstances we may lawfully limit a person's human rights. This can only be done to the extent that it is reasonable and can be justified. All limitations of a human right must be:		
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- Authorised by law
- Necessary, reasonable and proportionate
- The less restrictive alternative.

SLIDE 13

- S15 – (2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds
- (3) Special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary
 - o To respect the rights and reputation of other persons; or
 - o For the protection of national security, public order, public health or public morality.
- S16 – (1) Every person has the right of peaceful assembly.

SLIDE 14

Key messages

Human rights are about:

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	• Recognising the humanity in every single person • Putting a human being at the front and centre of all our policing decisions and activities <u>SLIDE 15-18</u> Case Study CARIPIS vs. Victoria Police Victorian Civil and Administrative Tribunal (VCAT) Citation – Caripis v Victoria Police (Health and Privacy) [2012] VCAT 1472 CARIPIS made an application to VCAT in regards to her privacy under the relevant provisions of the Information Privacy Act. Victoria Police did record the image of Caripis, along with many other persons who attended a Climate Change protest at Hazelwood power station on 10/10/10. The images taken didn't identify her and the images taken lasted for approx. twenty seconds over four separate occurrences. • CARIPIS was a member of "Switch Off Hazelwood" • Protest endorsed by number of environmental groups and formed part of International day of Climate Change • Protest was peaceful and good-natured with no unlawful activity and no		
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	arrests Three Police officers took 70 minutes of footage and seven still photographs accompanied by 124 minutes of aerial video footage (Police helicopter). Disk stored in a locked cupboard at Morwell Crime Desk CARIPIS appears in four segments of ground level footage; her image is visible for less than 20 seconds. CARIPIS was NOT identified but stored as Police data only. Police (Superintendent WALSH) said footage of the 2009 mass protest had been used in the briefing and planning session which prepared Police for the 2010 protest. The 2010 footage is needed for the purpose of “briefing purposes in the event of future protests at Hazelwood and other power stations. I am very confident that there will be further climate change protest activity in the Latrobe Valley. Section 19 of the Public Records Act 1973 provides that it is an offence to damage or destroy a public record unlawfully. “As the images are public records, destruction or de-identification of the images pursuant to I.P.P 4.2 is subject to any retention requirements under the Public Record Act. “I have already concluded that the complainants human rights are not engaged (or interfered with) by the retention of protest footage. The complainant has not established that the retention of the protest footage including images of her is an interference with her privacy under the Information Privacy Act 2006 and the complaint is dismissed.		
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	<u>SLIDES 19-21</u> This is in regards to the correspondence the Operations Response Unit had with the Victorian Government Solicitors Office (VGSO). The three slides surmise the information received in regards to the role of the Evidence Gatherer. The entire document (12 pages) will be made available for learners after the lesson.		
	Conclusion The trainer is to conduct a knowledge check with the learners to satisfy themselves all the learning outcomes have been met. Suggested questions could be; - What does ANT stand for? - Has your knowledge of the Human Rights Charter increased? - How many charter rights are there? THANK THE LEARNERS FOR THEIR ATTENTION AND EFFORTS. GIVE THEM INFORMATION ON THE NEXT SESSION IN THE SEQUENCE.		5 mins

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